

OCT. 28. 2004 5:20PM

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NO. 1294 P. 9

PATENT  
ATTORNEY DOCKET NO.: 03093-052100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ronald W. MINK et al.

Application No.: 09/973,956

Filed: October 11, 2001

For: DEVICE FOR COLLECTION AND  
ASSAY OF ORAL FLUIDS

Group Art Unit: 172

Examiner: D. SORRENSEN

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on October 28, 2004.

  
Shoshone Abdulkarim

MAIL STOP PETITION  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENT TO APPLICANT'S RENEWED PETITION, UNDER 37 C.F.R. § 1.78  
FOR THE ACCEPTANCE OF A LATE CLAIM FOR PRIORITY

On June 2, 2004, Applicant submitted a Renewed Petition, Under 37 C.F.R. § 1.78 For the Acceptance of A Late Claim of Priority concurrently with a Second Proposed Amendment Under 37 C.F.R. § 1.312. The Second Proposed Amendment was submitted in order to correct the CROSS-REFERENCE TO RELATED APPLICATION filed in the Proposed Amendment Under 37 C.F.R. § 1.312 filed February 19, 2002.

On July 30, 2004, a Response to Rule 312 Communication was issued which disapproved Applicant's Second Proposed Amendment Under 37 C.F.R. § 1.312 on the basis that the amendment contained a statement that was not correct, namely, that U.S. Application Serial No. 09/280,269 claims provisional benefit from 60/079,952 filed March 30, 1998. The Renewed Petition, which is still pending decision, likewise stated that U.S. Application No. 09/280,269 claims provisional benefit from 60/079,952. Upon investigation, it was

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determined that in filing the subject application, Applicant inadvertently identified U.S. Application No. 60/079,958 as 60/079,952. Applicant, therefore, has submitted concurrently herewith a Corrected Proposed Amendment Under 37 C.F.R. § 1.312 to correct this error.

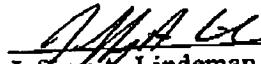
Since a decision has not been issued with respect to Applicant's Renewed Petition filed June 2, 2004, Applicant submits this Supplement to correct the aforementioned typographical error.

Applicant's pending petition requests that the claim for priority under 35 U.S.C. §§ 119(e) and 120, set forth in the Corrected Proposed Amendment Under 37 C.F.R. § 1.132, which accompanies this Supplement be accepted under the unintentional delay provisions of 37 C.F.R. § 1.78(a)(6). In support of this request, the Petitioner states that the entire delay between the date the claim for priority was due under 37 C.F.R. § 1.78(a)(5) and the date of filing this Petition and the Proposed Amendment was unintentional.

In accordance with the provisions of 37 C.F.R. 1.78(a)(6), any surcharge fee set forth in 37 C.F.R. § 1.17(t) or any other fee required for this renewed petition should be charged to Deposit Account No. 19-2380 (030793-052100). Further, any overage or shortage in the required payment, should be credited or applied to Deposit Account No. 19-2380 (030793-052100).

Respectfully submitted,

Date: October 28, 2004

  
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